IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPEAL NO.647 OF 2000

Union of India	] Appellants.
(at the instance of Assistant	] (Original
Director, DRI, Mumbai	] Complainant]
versus	
1. Omprakash Parsuram Rihal	]
residing at Rihal Compound	]
L.B.S. Marg, Bhandup,	]
Mumbai - 400 078.	]
	]
2. Sharif Khan Rashid Khan	]
residing at Room No.35,	]
Alka Mansion, 4th Floor, 259	]
I.R.Road, Mumbai 400 003	]
Presently in Central Jail-Pune	] Respondents.
	] (Respondent
3. Shabe Alam Budhan Khan	] Nos.1, 2 & 3-
residing at A-1, Mrve, 3rd	] Orgiinal
Floor, 304, Millat Nagar,	] Accused Nos.1,
Andheri (W), Mumbai	] 2 & 3.)
4. State of Maharashtra	]

Mr.D.T.Palekar, Public Prosecutor, with

R.F.Lambey for the Union of India

Respondent No.1 is reported to be dead.

Mr.Anil Lalla, i/by Lalla & Lalla for Respondent No.2.

Mr.A.H.H.Ponda for respondent No.3 absent.

Dr.F.R.Shaikh, APP, for the State/Respondent No.4

CORAM : D.G.DESHPANDE &

V.M.KANADE, JJ.

DATED : 6th December 2005.

OPERATIVE ORDER

1. For the reasons separately recorded, the following order is passed :-

Appeal is dismissed.

Original accused No.2 Sharif Khan is in jail. If he is not required in any other case, he should be set at liberty forthwith.

Original accused No.3 Shabe Khan is on bail. His bail bond shall stand cancelled.

[D.G.DESHPANDE,J]

[V.M.KANADE,J]